

# **EXHIBIT 4**

# **PUBLIC VERSION**

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

IN RE: HIGH-TECH EMPLOYEE )

ANTITRUST LITIGATION ) NO. 11-CV-2509-LHK

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VIDEOTAPED DEPOSITION OF SIDDHARTH HARIHARAN

San Francisco, California

Friday, October 12, 2012

Volume I

Reported by:

ASHLEY SOEVYN

CSR No. 12019

Job No. 1541277

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|    |  |          |
|----|--|----------|
| 1  | A. Yes.  | 09:14:40 |
| 2  | Q. And did you move from San Francisco to El     | 09:14:41 |
| 3  | Salvador at some point after you left Zynga?     | 09:14:43 |
| 4  | A. Yes.  | 09:14:48 |
| 5  | Q. And you left Zynga in about April of          | 09:14:48 |
| 6  | 2010?  | 09:14:51 |
| 7  | A. Yes.  | 09:14:51 |
| 8  | Q. At what point did you -- strike that.         | 09:14:53 |
| 9  | At some point, did you move from El              | 09:14:56 |
| 10 | Salvador to Surrey, British Columbia?            | 09:14:58 |
| 11 | A. Yes.  | 09:15:00 |
| 12 | Q. When did you move from El Salvador to         | 09:15:00 |
| 13 | Surrey, British Columbia?                        | 09:15:04 |
| 14 | A. End of July.                                  | 09:15:05 |
| 15 | Q. July of 2012?                                 | 09:15:06 |
| 16 | A. 2012.   | 09:15:07 |
| 17 | Q. So you said that you operate your business    | 09:15:10 |
| 18 | out of your home in Surrey, but your business is | 09:15:11 |
| 19 | located in El Salvador?                          | 09:15:15 |
| 20 | A. Yes.  | 09:15:16 |
| 21 | Q. What's the name of that business that         | 09:15:17 |
| 22 | you're referring to?                             | 09:15:18 |
| 23 | A. InEarth.                                      | 09:15:21 |
| 24 | Q. And I've seen references to InEarth in some   | 09:15:24 |
| 25 | of the documents. That's a -- that's your own    | 09:15:26 |

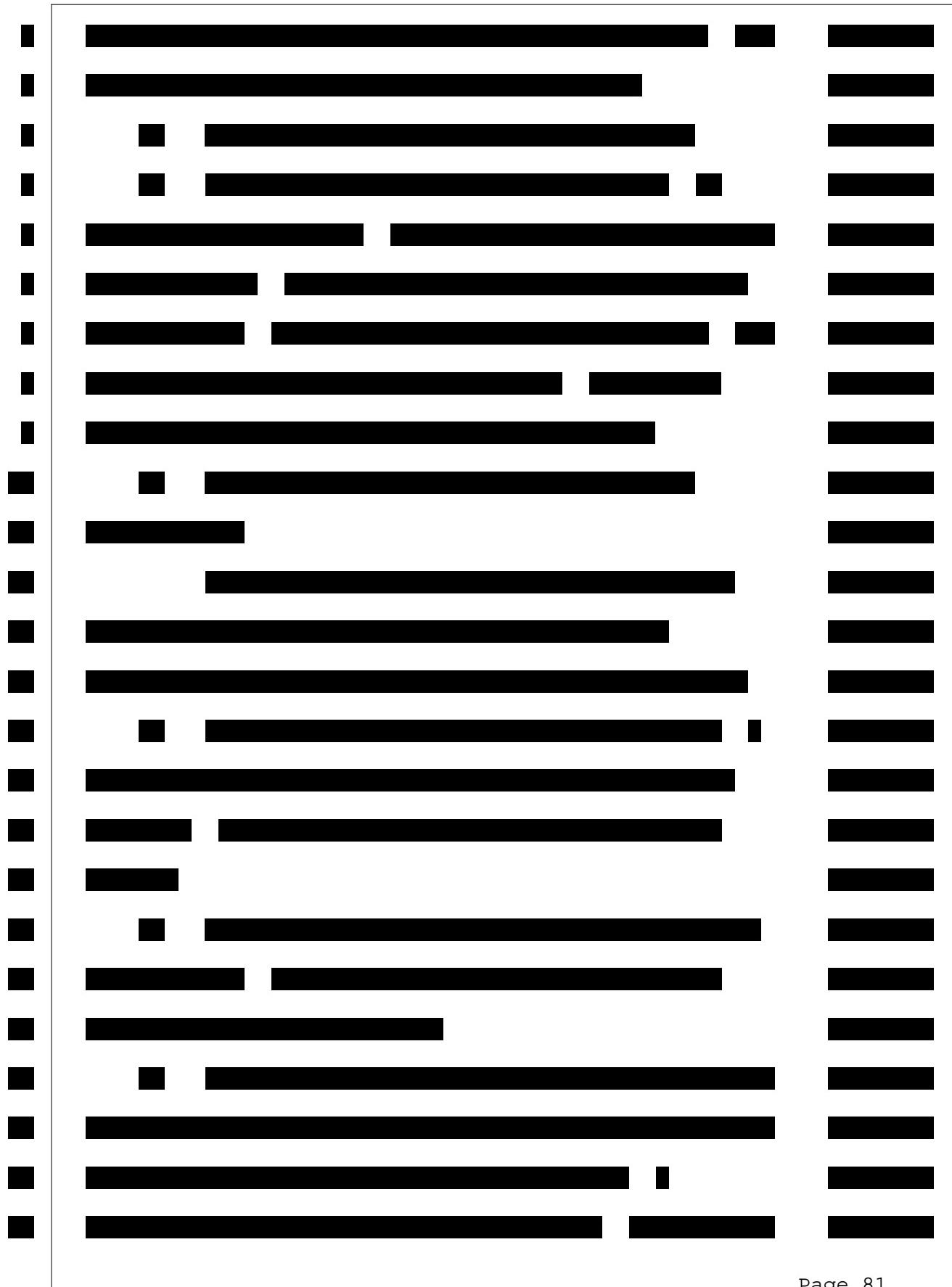
|    |  |          |
|----|--|----------|
| 1  | company, correct?                            | 09:15:29 |
| 2  | A. Correct.                                  | 09:15:30 |
| 3  | Q. Are you the sole proprietor of InEarth?   | 09:15:31 |
| 4  | MR. HARVEY: Objection, calls for a legal     | 09:15:34 |
| 5  | conclusion.                                  | 09:15:37 |
| 6  | BY MR. PURCELL:                              | 09:15:38 |
| 7  | Q. You can answer.                           | 09:15:38 |
| 8  | A. I am not.                                 | 09:15:40 |
| 9  | Q. All right. What -- what is your ownership | 09:15:44 |
| 10 | interest percentage-wise in InEarth?         | 09:15:45 |
| 11 | A. At the present time, I am 70 percent      | 09:15:54 |
| 12 | owner.                                       | 09:15:56 |
| 13 | Q. And who accounts for the other 30 percent | 09:15:57 |
| 14 | ownership interest in InEarth?               | 09:15:59 |
| 15 | A. A colleague of mine.                      | 09:16:02 |
| 16 | Q. What's that colleague's name?             | 09:16:04 |
| 17 | A. Alex.                                     | 09:16:07 |
| 18 | Q. Does Alex have a last name?               | 09:16:08 |
| 19 | A. He does.                                  | 09:16:10 |
| 20 | Q. What is Alex's last name?                 | 09:16:10 |
| 21 | A. Orozco.                                   | 09:16:13 |
| 22 | Q. And how did Mr. Orozco -- strike that.    | 09:16:14 |
| 23 | When InEarth was -- strike that.             | 09:16:19 |
| 24 | When was InEarth founded?                    | 09:16:22 |
| 25 | A. Depends on where you're talking about.    | 09:16:25 |

|    |   |          |
|----|---|----------|
| 1  | Q. There have been multiple iterations of the   | 09:16:30 |
| 2  | company called InEarth?                         | 09:16:32 |
| 3  | A. Yes.   | 09:16:33 |
| 4  | Q. When was the first iteration of InEarth      | 09:16:35 |
| 5  | founded?  | 09:16:39 |
| 6  | A. 2010.  | 09:16:39 |
| 7  | Q. And was that after your departure from       | 09:16:40 |
| 8  | Zynga?  | 09:16:44 |
| 9  | A. Yes.   | 09:16:44 |
| 10 | Q. And at that point, was InEarth based in San  | 09:16:45 |
| 11 | Francisco?                                      | 09:16:47 |
| 12 | A. Yes.   | 09:16:51 |
| 13 | Q. And when InEarth was founded in 2010 in San  | 09:16:52 |
| 14 | Francisco, what was the business of InEarth?    | 09:16:58 |
| 15 | A. It was making social video games.            | 09:17:01 |
| 16 | Q. And at some point, was there a change in     | 09:17:07 |
| 17 | InEarth's business as far as what InEarth does? | 09:17:09 |
| 18 | A. No.  | 09:17:15 |
| 19 | Q. So from its founding in 2010 to the          | 09:17:15 |
| 20 | present, InEarth has focused on development of  | 09:17:19 |
| 21 | social games?                                   | 09:17:23 |
| 22 | A. Yes.   | 09:17:24 |
| 23 | Q. And that's still what it does today?         | 09:17:24 |
| 24 | A. Yes.   | 09:17:27 |
| 25 | Q. At what point did Mr. Alex Orozco come on    | 09:17:27 |

|    |   |          |
|----|---|----------|
| 1  | Q. There have been multiple iterations of the   | 09:16:30 |
| 2  | company called InEarth?                         | 09:16:32 |
| 3  | A. Yes.   | 09:16:33 |
| 4  | Q. When was the first iteration of InEarth      | 09:16:35 |
| 5  | founded?  | 09:16:39 |
| 6  | A. 2010.  | 09:16:39 |
| 7  | Q. And was that after your departure from       | 09:16:40 |
| 8  | Zynga?  | 09:16:44 |
| 9  | A. Yes.   | 09:16:44 |
| 10 | Q. And at that point, was InEarth based in San  | 09:16:45 |
| 11 | Francisco?                                      | 09:16:47 |
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| 21 | social games?                                   | 09:17:23 |
| 22 | A. Yes.   | 09:17:24 |
| 23 | Q. And that's still what it does today?         | 09:17:24 |
| 24 | A. Yes.   | 09:17:27 |
| 25 | Q. At what point did Mr. Alex Orozco come on    | 09:17:27 |



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|    |  |          |
|----|--|----------|
| 1  | Maybe a couple weeks or maybe a week, I'm not        | 11:10:49 |
| 2  | sure.  | 11:10:51 |
| 3  | Q. When you first started at EA, what was your       | 11:10:52 |
| 4  | job?   | 11:10:58 |
| 5  | A. I was working on NHL 07, I think it was.          | 11:10:58 |
| 6  | I'm not sure. It was NHL, and I was doing audio      | 11:11:07 |
| 7  | AI.  | 11:11:11 |
| 8  | Q. And when you say "audio AI," just for a           | 11:11:12 |
| 9  | layperson like myself, what does that mean?          | 11:11:16 |
| 10 | A. Crowd reaction, any type of sounds in the         | 11:11:18 |
| 11 | game that get triggered because of artificial        | 11:11:22 |
| 12 | intelligence.  | 11:11:26 |
| 13 | Q. And what were you doing to enable the audio       | 11:11:27 |
| 14 | AI of the game, were you building tools?             | 11:11:30 |
| 15 | A. No, that was actually the time where I was        | 11:11:34 |
| 16 | mostly working on game code.                         | 11:11:42 |
| 17 | Q. At some point did you move on to a                | 11:11:44 |
| 18 | different project at EA after NHL 07?                | 11:11:45 |
| 19 | A. Yeah, I think two months later they -- they       | 11:11:50 |
| 20 | put me on a tool steam at that point, I think.       | 11:11:55 |
| 21 | Q. And when you moved over to the tool steam         | 11:11:59 |
| 22 | at EA, what -- what tools were you working on?       | 11:12:01 |
| 23 | A. I can't remember. There were a lot of             | 11:12:04 |
| 24 | tools. It was one to build faces, so they could      | 11:12:06 |
| 25 | just randomize a whole bunch of faces with one click | 11:12:12 |

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1 of the button, create like 50,000 faces. 11:12:17  
2 Another one was, like, stadium validation. 11:12:21  
3 Another one was, like, little tools, like for 11:12:23  
4 analyzing reports. There is like a validation. 11:12:27  
5 There's a lot of tools that I worked on there. I 11:12:32  
6 think I even did one for proportional modeling -- so 11:12:40  
7 proportional modeling tool for Maya. 11:12:44  
8 Q. When you say "proportional modeling," do 11:12:45  
9 you mean a tool that was designed to ensure that the 11:12:47  
10 proportions of all the visual objects in the game 11:12:52  
11 were -- 11:12:54  
12 A. No. 11:12:54  
13 Q. -- in relation to one another? 11:12:54  
14 A. No. 11:12:57  
15 Q. Sorry, what does proportional modeling 11:12:57  
16 mean? 11:13:00  
17 A. Proportional modeling is -- it's -- it's -- 11:13:01  
18 it's with 3D geometry. When you -- when you 11:13:02  
19 manipulate 3D geometry, you pull ver- -- verti- -- 11:13:05  
20 vertices. Everything is -- everything is, at the 11:13:12  
21 end of the day, vertices and triangles. You're 11:13:13  
22 pulling vert- -- vert- -- actual vertices, which is 11:13:17  
23 not organic. It doesn't feel organic. But 11:13:19  
24 proportional modeling is where -- when you pull a 11:13:23  
25 vertex, there is a fall-off radius that you can 11:13:27

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|    |   |          |
|----|---|----------|
| 1  | control, which also pulls other vertices with some  | 11:13:31 |
| 2  | kind of a mathematical formula. So with some kind   | 11:13:36 |
| 3  | of a curve. So imagine pulling a cheek and not      | 11:13:41 |
| 4  | pulling one dot, but pulling -- yeah.               | 11:13:44 |
| 5  | Q. Are there any other projects that you can        | 11:13:51 |
| 6  | recall working on during your time at EA?           | 11:13:54 |
| 7  | A. Like I said, there were a lot of projects.       | 11:13:56 |
| 8  | It's very hard for me to -- to pinpoint. There were | 11:13:58 |
| 9  | a lot.  | 11:14:03 |
| 10 | Q. After your work on NHL 07, were there any        | 11:14:04 |
| 11 | other instances at EA when you worked on game code, | 11:14:08 |
| 12 | as opposed to tools?                                | 11:14:11 |
| 13 | A. I'm sorry, can you repeat that, please?          | 11:14:15 |
| 14 | Q. Sure. During your time at EA after you           | 11:14:18 |
| 15 | finished your two-month project on NHL 07 that you  | 11:14:20 |
| 16 | just discussed, were there any other projects where | 11:14:25 |
| 17 | you worked on game code rather than tools?          | 11:14:28 |
| 18 | A. Yeah, there -- there were times, like --         | 11:14:32 |
| 19 | you know, I think I helped fix some bugs on FIFA.   | 11:14:35 |
| 20 | There are, like, a couple bugs that I might have    | 11:14:39 |
| 21 | fixed on NBA. These were little things, but I did   | 11:14:42 |
| 22 | touch game code, if that's what you're getting at.  | 11:14:49 |
| 23 | Q. Were there any other major projects, other       | 11:14:53 |
| 24 | than bug fixes, during your time at EA where you    | 11:14:55 |
| 25 | worked on game code?                                | 11:14:58 |

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|    |  |          |
|----|--|----------|
| 1  | MR. HARVEY: Objection, misstates prior               | 11:14:59 |
| 2  | testimony.   | 11:15:01 |
| 3  | BY MR. PURCELL:                                      | 11:15:03 |
| 4  | Q. You can answer.                                   | 11:15:03 |
| 5  | A. No. Not officially, no. It was -- it was          | 11:15:16 |
| 6  | all -- like, when you say -- when I say "bug         | 11:15:18 |
| 7  | fixing," you know, a bug fixing could be like a      | 11:15:21 |
| 8  | portion of a rewrite of a feature. Like, it can be   | 11:15:23 |
| 9  | a big thing. Take optimization as well. It could     | 11:15:26 |
| 10 | be significantly more than just tweaking things here | 11:15:30 |
| 11 | and there. So when I said "bug fixing," it's not     | 11:15:33 |
| 12 | officially working on a project, but it's like       | 11:15:37 |
| 13 | you're -- you're helping the game. And I had to      | 11:15:41 |
| 14 | touch game code, if that's what you're talking       | 11:15:44 |
| 15 | about.   | 11:15:47 |
| 16 | MR. PURCELL: All right. We need to change            | 11:15:47 |
| 17 | the tape. Let's take a break.                        | 11:15:48 |
| 18 | THE VIDEOGRAPHER: This is the end of Disk            | 11:15:52 |
| 19 | No. 1 in this deposition of Mr. Siddharth Hariharan  | 11:15:53 |
| 20 | on October 12th, 2012. We are off the record at      | 11:15:59 |
| 21 | 11:15 a.m.   | 11:16:03 |
| 22 | (Recess taken.)                                      | 11:30:43 |
| 23 | THE VIDEOGRAPHER: This is the beginning of           | 11:30:54 |
| 24 | Disk No. 2 in the deposition of Siddharth Hariharan  | 11:30:57 |
| 25 | on October 12th, 2012. We are back on the record at  | 11:31:02 |

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|    |  |            |
|----|--|------------|
| 1  | 11:31 a.m.   | 11:31:05   |
| 2  | BY MR. PURCELL:                                      | 11:31:08   |
| 3  | Q. So, Mr. Hariharan, you mentioned that             | 11:31:08   |
| 4  | before moving from Radical to EA, you had a          | 11:31:11   |
| 5  | conversation with a friend who worked at EA who told | 11:31:14   |
| 6  | you what his salary was, correct?                    | 11:31:17   |
| 7  | A. Correct.  | 11:31:23   |
|    | [REDACTED]   | [REDACTED] |
|    | [REDACTED]   | [REDACTED] |
| 10 | A. Correct.  | 11:31:31   |
| 11 | Q. Do you recall what salary your friend told        | 11:31:31   |
| 12 | you he was making at EA?                             | 11:31:33   |
|    | [REDACTED]   | [REDACTED] |
| 14 | Q. Was this friend of yours a more experienced       | 11:31:38   |
| 15 | designer than you?                                   | 11:31:44   |
| 16 | A. Yes, he was. Well, designer?                      | 11:31:48   |
| 17 | Q. I'm sorry -- strike that.                         | 11:31:49   |
| 18 | Was this friend of yours a more experienced          | 11:31:51   |
| 19 | software engineer than you?                          | 11:31:56   |
| 20 | A. Yes, he was. Slightly more.                       | 11:31:57   |
|    | [REDACTED]   | [REDACTED] |
|    | [REDACTED]   | [REDACTED] |
| 23 | A. That is correct.                                  | 11:32:05   |
| 24 | Q. Did you make any effort to negotiate that         | 11:32:06   |
| 25 | amount upward with EA?                               | 11:32:08   |

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|    |   |             |
|----|---|-------------|
| 1  | A. Nope.  | 11:32:11    |
|    | [REDACTED]  | [REDACTED]  |
| 8  | A. Well, I -- I don't recall. I wouldn't say        | 11:32:31    |
| 9  | necessarily, but he was a little bit more           | 11:32:37    |
| 10 | experienced than me at the time. I don't think I -- | 11:32:40    |
| 11 | I can't remember if I -- I thought about it much.   | 11:32:44    |
| 12 | I'm not sure.                                       | 11:32:45    |
|    | [REDACTED]  | [REDACTED]  |
|    | [REDACTED]  | [REDACTED]  |
|    | [REDACTED]  | [REDACTED]0 |
| 16 | A. No.  | 11:33:01    |
| 17 | Q. After you joined EA, did you have                | 11:33:01    |
| 18 | discussions with any co-workers about relative      | 11:33:04    |
| 19 | salaries that people were making?                   | 11:33:10    |
| 20 | A. Yes.   | 11:33:12    |
| 21 | Q. Did that happen often?                           | 11:33:13    |
| 22 | A. No.  | 11:33:14    |
| 23 | Q. Just occasionally?                               | 11:33:15    |
| 24 | A. Yes.   | 11:33:16    |
| 25 | Q. On roughly how many occasions do you recall      | 11:33:18    |

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|    |  |          |
|----|--|----------|
| 1  | during your time at EA, where you had discussions    | 11:33:21 |
| 2  | with your co-workers about relative salaries?        | 11:33:25 |
| 3  | A. I wouldn't be able to say.                        | 11:33:33 |
| 4  | Q. More than a dozen?                                | 11:33:35 |
| 5  | A. Maybe. Maybe just under a dozen, maybe a          | 11:33:40 |
| 6  | little bit more.                                     | 11:33:44 |
| 7  | Q. What was the overall impression that you          | 11:33:45 |
| 8  | got from these discussions about salaries with       | 11:33:47 |
| 9  | co-workers? Did you feel you were being paid         | 11:33:49 |
| 10 | fairly, based on what you heard from your peers?     | 11:33:54 |
| 11 | A. You see, I wasn't too focused on my salary        | 11:34:07 |
| 12 | while I was working at EA necessarily, but I was     | 11:34:11 |
| 13 | just focused on doing my job. I cared about my       | 11:34:14 |
| 14 | work. I was head down in my work. As long as the     | 11:34:22 |
| 15 | system wasn't taking advantage of me, which I didn't | 11:34:25 |
| 16 | feel at the time they were, I was okay with what I   | 11:34:28 |
| 17 | was getting paid.                                    | 11:34:31 |
| 18 | Q. Did you ever use any of the information           | 11:34:35 |
| 19 | that you got from your co-workers about salary while | 11:34:38 |
| 20 | you were at EA as the basis for going to your leader | 11:34:42 |
| 21 | and your manager and asking for more money?          | 11:34:47 |
| 22 | A. During my time at EA, I never asked for           | 11:34:50 |
| 23 | more money.  | 11:34:54 |
| 24 | Q. Did you ever feel that you ought to be            | 11:34:58 |
| 25 | getting paid more money?                             | 11:34:59 |

1 A. Sure, there were times where I could have 11:35:03  
2 used more. But like I said -- said earlier, I was 11:35:05  
3 focused on my work. And as long as I felt that the 11:35:12  
4 company was not doing anything shady, I was okay 11:35:16  
5 with what I was getting paid because I was getting, 11:35:25  
6 you know, knowledge as well. 11:35:29



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1 the same person what I, you know, told the recruiter 13:00:28  
2 to contact me at EA, he also jumped ship right 13:00:32  
3 before I jumped ship to Lucas, and he went to work 13:00:38  
4 for Google. And he had told me his salary at that 13:00:44  
5 time, and I believe another person also told me 13:00:46  
6 their salary at that time they were making at 13:00:52  
7 another company. And I remember thinking -- I 13:00:56  
8 remember thinking -- well, seeing the numbers like 13:01:01  
9 at Rockstar, at Sony online and what not, and the 13:01:04  
10 numbers were like -- the pay I was getting at 13:01:11  
11 Lucasfilm was 20 percent less. 13:01:15

12 But now to your question whether I was 13:01:19  
13 happy with the pay, I was there at Lucas to work 13:01:22  
14 with really smart people and a company founded by 13:01:27  
15 George Lucas, so I was letting that slide. But I 13:01:30  
16 was already aware at that time, prior to accepting 13:01:36  
17 the offer itself, that I could do better with other 13:01:39  
18 companies, but I chose Lucas because of the name. 13:01:43

19 And at that time, also, that the co-worker 13:01:48  
20 that jumped ship from EA to Google told me his 13:01:53  
21 salary at that time as well for Google, and it was 13:01:57

22 [REDACTED] [REDACTED] [REDACTED]  
23 [REDACTED] [REDACTED] [REDACTED]  
24 And so I was like, well, we're getting kind 13:02:06  
25 of the same. It's all good. We're good. And I 13:02:09

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3 A. No, that's not what I'm saying. I'm saying 13:17:42  
4 I did not give it too much thought. I put down a 13:17:44  
5 number. I'm not sure if at the time I filled out 13:17:47  
6 this application, if they made me an offer yet. So 13:17:50  
7 as a -- so I'm not sure what I was thinking at that 13:17:55  
8 time, but it was possible that I didn't want them to 13:18:01  
9 lowball me and try to give me an offer that was far 13:18:05  
10 lower, which is the natural reaction of anyone. 13:18:11  
  
13 know. I'm not sure what my thing was. I just knew 13:18:22  
14 at that time, I didn't feel it was their business. 13:18:25  
  
15 Q. You didn't have any concerns about making a 13:18:28  
16 statement on an employment application that wasn't 13:18:30  
17 accurate? 13:18:32  
  
18 A. I didn't see a line underneath there that 13:18:33  
19 said "under penalty of perjury," so no. 13:18:36  
  
20 MR. PURCELL: I would like to mark this as 13:18:49  
21 Exhibit 7. 13:18:53  
  
22 (Exhibit 7 marked for identification.) 13:19:18  
  
23 BY MR. PURCELL: 13:19:18  
  
24 Q. Mr. Hariharan, Exhibit 7 is a document 13:19:18  
25 that's entitled, "Termination checklist." Do you 13:19:20

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|    |  |          |
|----|--|----------|
| 1  | your title every change?                             | 13:39:57 |
| 2  | A. I don't think so.                                 | 13:40:04 |
| 3  | Q. Did you ever receive a salary raise?              | 13:40:06 |
| 4  | A. I did receive a salary raise of -- sorry,         | 13:40:10 |
| 5  | go ahead.  | 13:40:17 |
| 6  | Q. Roughly, when did that happen during your         | 13:40:18 |
| 7  | time at Lucas Arts?                                  | 13:40:20 |
| 8  | A. After my performance review.                      | 13:40:22 |
| 9  | Q. Would that have been sometime around the          | 13:40:26 |
| 10 | new year in 2008?                                    | 13:40:28 |
| 11 | A. I believe it was sometime in 2008, yes.           | 13:40:31 |
| 12 | Q. And what sort of magnitude raise did you          | 13:40:38 |
| 13 | receive?   | 13:40:40 |
| 14 | A. I'm not sure. I thought maybe I received a        | 13:40:42 |
| 15 | 4K increase in my base. I think I did, so 89. I      | 13:40:44 |
| 16 | don't know if I was officially told I got a raise,   | 13:40:52 |
| 17 | or if I just saw it on my paycheck.                  | 13:40:56 |
| 18 | Q. After you received your raise, was there          | 13:40:59 |
| 19 | ever a time you came to the understanding of raises  | 13:41:01 |
| 20 | that your peers at Lucas Arts might have gotten?     | 13:41:06 |
| 21 | A. I don't know if I was too concerned with          | 13:41:14 |
| 22 | that at that point. Like I said, you know, like I    | 13:41:16 |
| 23 | said earlier, I already felt that the big reason why | 13:41:24 |
| 24 | I was there is not really compensation. It was the   | 13:41:27 |
| 25 | fact that I was working for Lucasfilm. You know, it  | 13:41:34 |

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|----|---|----------|
| 1  | was a prestigious company to work for.              | 13:41:37 |
| 2  | So I wasn't too concerned with it because I         | 13:41:41 |
| 3  | already knew when I took that offer -- the initial  | 13:41:42 |
| 4  | offer, that I was 20 percent lower than so many     | 13:41:44 |
| 5  | other companies.                                    | 13:41:47 |
| 6  | So whether that 4 percent increase or               | 13:41:49 |
| 7  | whatever mattered, it didn't. So I didn't think I   | 13:41:52 |
| 8  | was too involved. I don't think I cared about what  | 13:41:55 |
| 9  | anyone else -- what raise anybody else got. I don't | 13:41:58 |
| 10 | think I cared.                                      | 13:42:02 |
| 11 | Q. So you think sometime around the start of        | 13:42:03 |
| 12 | 2008 you got a raise from 85,000 a year to 89,000 a | 13:42:05 |
| 13 | year?   | 13:42:10 |
| 14 | A. I believe so, yes.                               | 13:42:10 |
| 15 | Q. And at any point during your time at Lucas       | 13:42:14 |
| 16 | Arts after you joined and got your signing and      | 13:42:16 |
| 17 | relocation bonuses, did you ever get any other      | 13:42:18 |
| 18 | bonuses?  | 13:42:21 |
| 19 | A. I don't recall. I don't think so. Maybe,         | 13:42:28 |
| 20 | I'm not sure.                                       | 13:42:30 |
| 21 | Q. As you sit here today, you can't think of        | 13:42:31 |
| 22 | any bonus you got after the initial ones while at   | 13:42:34 |
| 23 | Lucas Arts?   | 13:42:40 |
| 24 | A. I'm trying to think if I maybe got a             | 13:42:41 |
| 25 | referral bonus. I don't think I did. I don't        | 13:42:43 |

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| 1  | Q. During your year and a half at Lucas Arts,        | 14:09:38 |
| 2  | would you say that you got 100 such e-mails, fewer,  | 14:09:41 |
| 3  | more?  | 14:09:48 |
| 4  | A. So first off, just right around the               | 14:09:48 |
| 5  | timeline, it was not a year and a half that I worked | 14:09:50 |
| 6  | there. It was definitely more than a year and a      | 14:09:54 |
| 7  | half, so just pointing that out. I got probably      | 14:09:56 |
| 8  | more. I'm not sure. It's possible I got more. I      | 14:10:09 |
| 9  | don't know.  | 14:10:14 |
| 10 | Q. Just to clarify the timeline, you were at         | 14:10:14 |
| 11 | Lucas Arts for about a year and eight months, is     | 14:10:18 |
| 12 | that more accurate, from January of 2007 to August   | 14:10:21 |
| 13 | of 2008?   | 14:10:26 |
| 14 | A. Okay. I guess it was a year and eight             | 14:10:29 |
| 15 | months, so it's not that far off.                    | 14:10:31 |
| 16 | Q. All right. So when you were at Lucas Arts         | 14:10:34 |
| 17 | and getting these unsolicited e-mails, who was       | 14:10:38 |
| 18 | soliciting you, do you recall?                       | 14:10:42 |
| 19 | A. I'm not sure. It might have been -- might         | 14:10:48 |
| 20 | have been other game companies. I'm not sure.        | 14:11:05 |
| 21 | Q. Did you ever have discussions that you            | 14:11:07 |
| 22 | recall with your co-workers about these unsolicited  | 14:11:10 |
| 23 | recruiting e-mails?                                  | 14:11:13 |
| 24 | A. Much later when I had already decided that        | 14:11:18 |
| 25 | I was going to take one of these offers --           | 14:11:20 |

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| 1  | A. There may have been a couple of instances.        | 14:21:40 |
| 2  | But I think for the most part they kept pretty       | 14:21:42 |
| 3  | private about, you know, getting a cold call from a  | 14:21:47 |
| 4  | competing company. I think they kept it -- I don't   | 14:21:50 |
| 5  | know. I think there might have been a couple --      | 14:21:53 |
| 6  | might have said, "Hey, what do you think about this  | 14:21:56 |
| 7  | company" or whatever.                                | 14:21:58 |
| 8  | Q. Do you remember any of the companies that         | 14:22:00 |
| 9  | were mentioned during these conversations that might | 14:22:02 |
| 10 | have been about cold calls?                          | 14:22:04 |
| 11 | A. No.   | 14:22:08 |
| 12 | Q. Going back to the Google cold call you            | 14:22:12 |
| 13 | received specifically when the woman called you,     | 14:22:14 |
| 14 | what was her pitch to you, what did she say?         | 14:22:25 |
| 15 | A. Oh, she was not -- she initially called me        | 14:22:26 |
| 16 | for a reference to a friend of mine who was working  | 14:22:28 |
| 17 | at Lucas Arts, and he was going to Google, and he    | 14:22:32 |
| 18 | works there right now still. But he is -- he was     | 14:22:36 |
| 19 | going there, and -- yeah, she asked for a reference. | 14:22:43 |
| 20 | She listed me as a reference. She called me for      | 14:22:48 |
| 21 | that. And then at the end of me giving the           | 14:22:49 |
| 22 | reference, she said, "How would you like to work for | 14:22:52 |
| 23 | Google?" I said, "Well, right now, I'm pretty happy  | 14:22:56 |
| 24 | at Lucas." I think she might have said, "Well" -- I  | 14:23:00 |
| 25 | don't know if she gave some kind of way to contact   | 14:23:06 |

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| 1  | her later. She said, "Well, if you change your       | 14:23:10 |
| 2  | mind" -- or whatever. I don't know. I don't know.    | 14:23:12 |
| 3  | I just know that she may -- said, "How you like to   | 14:23:16 |
| 4  | work for Google?"                                    | 14:23:19 |
| 5  | Q. Did she go into any more detail about the         | 14:23:22 |
| 6  | sort of thing you might be able to do for Google?    | 14:23:24 |
| 7  | A. I think she was just being putting two and        | 14:23:33 |
| 8  | two together. She was like, "Well, here is another   | 14:23:35 |
| 9  | guy that's applying to Google from Indiana Jones."   | 14:23:37 |
| 10 | And, you know, I was a little bit senior to him.     | 14:23:41 |
| 11 | She's like, "Well, probably make a good fit, too."   | 14:23:45 |
| 12 | Q. The person who named you as a reference had       | 14:23:49 |
| 13 | been working with you on the Indiana Jones, too?     | 14:23:52 |
| 14 | A. Yes, I've worked with him. He's also a            | 14:23:56 |
| 15 | software engineer.                                   | 14:23:58 |
| 16 | Q. What was that person's name?                      | 14:23:59 |
| 17 | A. Well, I guess I can say. Well, I'm not            | 14:24:02 |
| 18 | sure if I can say that name because he works for     | 14:24:05 |
| 19 | Google right now, but I guess he doesn't have a fear | 14:24:12 |
| 20 | of reprisal.   | 14:24:13 |
| 21 | Q. He's a potential witness in the case.             | 14:24:13 |
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1 A. Sorry, let me clarify. Higher salary in 14:36:28  
2 the sense that I got a job offer or I got this or 14:36:31  
3 whatever, because I felt like that was not the 14:36:33  
4 reason why I was working at these companies. So it 14:36:35  
5 wasn't -- it wasn't salary necessarily. It was more 14:36:39  
6 the experience of working for the companies. So I 14:36:45  
7 was happy at Lucas, and that's why I didn't 14:36:49  
8 entertain Google. And I was certainly not going to 14:36:54  
9 go to Lucas and say, pay me more money because I 14:36:56  
10 felt like, at that time, I'm being paid roughly 14:36:59  
11 what, you know, a few people that I've asked are 14:37:03  
12 making at Lucas and I'm happy with that. 14:37:07

13 Q. Didn't you feel that if you told your 14:37:12  
14 manager that you'd gotten a cold call that that 14:37:16  
15 could result in you maybe getting a higher salary? 14:37:19

16 A. No. 14:37:22

17 Q. So you mentioned two other cold calls later 14:37:26  
18 at your time at Lucasfilm from Activision and Zynga, 14:37:28  
19 correct? Do you recall which of those happened -- 14:37:31

20 A. Yes. 14:37:33

21 Q. Sorry, I jumped the gun. Do you recall 14:37:33  
22 which of those happened first in time? 14:37:37

23 A. Activision happened first. 14:37:40

24 Q. And if you left Lucasfilm around August of 14:37:43  
25 2008, do you remember how soon before that you had a 14:37:47

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1 STATE OF CALIFORNIA ) ss:

2 COUNTY OF MARIN )

3

4 I, ASHLEY SOEVYN, CSR No. 12019, do hereby  
5 certify:

6 That the foregoing deposition testimony was  
7 taken before me at the time and place therein set  
8 forth and at which time the witness was administered  
9 the oath;

10 That the testimony of the witness and all  
11 objections made by counsel at the time of the  
12 examination were recorded stenographically by me,  
13 and were thereafter transcribed under my direction  
14 and supervision, and that the foregoing pages  
15 contain a full, true and accurate record of all  
16 proceedings and testimony to the best of my skill  
17 and ability.

18 I further certify that I am neither counsel for  
19 any party to said action, nor am I related to any  
20 party to said action, nor am I in any way interested  
21 in the outcome thereof.

22 IN THE WITNESS WHEREOF, I have transcribed my  
23 name this 22nd day of October, 2012.

24

25



ASHLEY SOEVYN, CSR 12019

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